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# ORDINANCE 22-01

STR LAWDUC REVISIONS  
ARCH CAPE OPERATING STANDARDS

**BOARD OF COMMISSIONERS**  
**APRIL 27, 2022**

# CHANGES TO ORDINANCE 22-01

- Ordinance 22-01, as presented on April 13, included:
  - Amendments to add STRs to various zones within unincorporated Clatsop County
  - Repeal of the Arch Cape STR operating standards, which will be transferred to the Clatsop County Code
  - Update of citations to reflect that the Arch Cape operating standards have been relocated to the Clatsop County Code
- At the April 13 meeting, your Board directed staff to collect data regarding the impacts of STRs on housing availability and pricing
- Data will be provided to your Board on May 18
- **Amendments related to allowing STRs in certain zones have been removed from Ordinance 22-01**
  - Ordinance 22-01 **ONLY** addresses the repeal of the Arch Cape operating standards and updates applicable code references
  - Zoning would be addressed in a separate ordinance drafted after the May 18 Board work session

**MARCH 8**  
**PLANNING**  
**COMMISSION**  
**RECOMMENDATION**

**PLANNING COMMISSION RECOMMENDATIONS:**

- Repeal Sections 5.4900-5.4970 and revise Section 4.2620(12),  
**LAWDUC** (Approved 7-0)

# PLANNING COMMISSION RECOMMENDATIONS:

- Repeal Sections 5.4900-5.4970 and revise Section 4.2620(12), LAWDUC (Approved 7-0)

## EXHIBIT B

### ARTICLE 5. SPECIAL PURPOSE DISTRICTS

#### SECTION 5.0000. SPECIAL PURPOSE DISTRICTS

A special purpose district is an overlay district which may be combined with any portion of any zone as appropriate to the purpose of the district. The regulations of a special purpose district may add to or modify the requirements of the underlying zone and the regulations of the special purpose district and the zone shall all apply. Where the requirements of a special purpose overlay district and the underlying base zone conflict, the regulations that are more restrictive shall control. The boundaries of special purpose districts are shown on the Clatsop County Land and Water Development Map and Columbia River Estuary Resource Base Maps. These maps are hereby adopted by this reference as a part of this Ordinance.

Each special purpose district and the abbreviated designation suffix are listed in Table 5.1.

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#### SECTION 5.4900. ARCH CAPE RURAL COMMUNITY OVERLAY DISTRICT (RCO)

##### SECTION 5.4910. ARCH CAPE SHORT TERM (VACATION) RENTALS

This section regulates the short-term rental of dwelling units within the Arch Cape Rural Community Overlay District.

##### **Section 5.4920. Purpose**

The purpose of this section is to regulate short-term rentals to enhance livability and safety in the Arch Cape residential neighborhoods. Rentals of a short-term dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

##### **Section 5.4930. Permit Required**

An owner shall obtain a revocable short-term rental permit whenever a dwelling unit (as defined in Section 1.0500) is to be used for short-term rental purposes and shall comply with the requirements of the County's transient room tax ordinance (No. 90-7).

1. A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
2. Short-term rental permits are issued & renewed annually by July 1st of the given year.
3. Short-term rental permits are non-transferable, new owners will be required to attain new permits or register in accordance with 5.4930(2) above.
4. The short-term rental permit does not relieve the owner of the obligation to pay county room taxes.
5. If the terms of the short-term rental permit are not met, the short-term rental permit may be revoked and the owner subject to penalties per Section 5.4970.

##### **Section 5.4940. Short-Term Rental Permit Application Requirements**

An application for a short-term rental permit shall be completed on the form provided by the County and shall provide the following information:

- 1) A list of all the property owners of the short-term rental including names, addresses and telephone numbers. Property ownership, for the purposes of this section, shall consist of

those individuals who are listed on the Clatsop County Assessor's tax records.

- 2) The applicant shall provide proof of payment for county room taxes annually pursuant to County Code Chapter 39.
- 3) Completion of the inspection section of the application form by an Oregon Certified Home Inspector as defined by ORS 701.005(4), based on a visual inspection to certify the following:

A. Compliance with the following standards:

1. There shall be one functioning smoke detector in each sleeping room, with a minimum of two functioning smoke detectors in each dwelling unit. There shall also be one functioning fire extinguisher at each exit;
2. Exterior doors shall be operational. All passageways to exterior doors shall be clear and unobstructed.
3. Electrical systems shall be serviceable with no visible defects or unsafe conditions.
4. All fireplaces, fireplace inserts or other fuel burning heaters and furnaces shall be vented and properly installed.
5. Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.

B. The number of sleeping rooms within the short-term rental, as defined in Section 5.4950(4).

C. The number of parking spaces on the subject property that meet the standards of Section 5.4950(5).

D. Inspection certifications shall be valid for a period of five (5) years and shall expire June 30th of the 5th year. Additionally, inspection certificates shall be required whenever modifications requiring a building permit are made to the dwelling unit(s).

- 4) A site plan, drawn to scale, showing the location of buildings and required parking.
- 5) The name, address and telephone number of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards.
- 6) The contact person may be the owner or the designated agent who shall serve as a contact person.
- 7) Statement that the applicant has met and will continue to comply with the standards in this section.
- 8) Other information as requested by the County.

##### **Section 5.4950. Short-Term Rental Standards**

All short-term rentals shall meet the following standards:

- 1) A Short-Term Rental dwelling unit shall be limited to either a minimum period of seven (7) nights or, if for fewer than seven (7) nights, then to no more than one rental within a seven (7) night period.
- 2) One rental (as defined in Section 1.0500) per lot or parcel, excluding a caretaker residing in the Residence or ADU. A Guesthouse is **not** considered a dwelling unit and shall not be rented separately.
- 3) All applicable County room taxes shall be paid pursuant to County Code Chapter 39.
- 4) The maximum occupancy for each short-term rental unit shall be calculated on the basis of two (2) persons per sleeping room plus an additional four (4) persons, up to a maximum of fourteen (14) persons. For this purpose, a sleeping room is defined as fully-enclosed habitable space with a heat source, and an emergency escape or rescue opening.

MARCH 8  
PLANNING  
COMMISSION  
PUBLIC HEARING



# PLANNING COMMISSION RECOMMENDATIONS:

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## MARCH 8 PLANNING COMMISSION RECOMMENDATION

- 5) Off-street parking shall be used if physically available and comply with Section 3.0050-Section 3.0100 applicable to single family or two family dwellings. On-street parking shall be used only when off-street parking spaces are not physically available. Parking is "physically available" when a garage or driveway can be emptied or materials removed so as to allow for the parking. The owner shall notify every renter in writing of these requirements and shall advise the renter where the off-street parking spaces to serve the unit are located. If on-street parking must be used, the renter shall use the parking along the frontage of the rental unit.
- 6) A house number visible from the street shall be maintained.
- 7) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or littering and placed where they are not clearly visible from the street except between 5 am on the day prior to pickup and 5 pm on the day of pickup.

### Section 5.4960. Conformity Required; Display of Permits

- 1) The issuance of the short-term rental permit shall be subject to the continued compliance with the requirements of this section.
- 2) The current short-term rental permit shall be permanently and prominently displayed inside and near the front entrance of the short-term rental and provided to adjacent property owners within 100 feet of the property, and shall list the following:
- A. The name, address and phone number of the owner and designated agent;
  - B. The maximum occupancy and vehicle limits for the short-term rental unit;
  - C. Identification of the number and location of parking spaces available;
  - D. A statement regarding how the parking standards under Section 5.4950(4) are to be met;
  - E. A statement that it is illegal to leave litter on the beach (OAR 736-021-0090(4));
  - F. A statement that all fires on the beach must be extinguished before leaving the site of the fire (OAR 736-021-0120(4));
  - G. A statement that the short-term rental permit may be revoked for violations;
  - H. A statement regarding how the garbage removal standards under Section 5.4950(6) are to be met; and
  - I. Such other information as may be required by the County.
- 3) The owners are responsible to ensure that current and accurate information is provided to the County.

### Section 5.4970. Compliance, Hearings and Penalties

Owners of Short-Term Rental Units shall obey all applicable ordinances and regulations of the County and shall be subject to the enforcement and penalty proceedings contained in the applicable County Ordinances. Any property owner who operates a Short-Term Rental in violation of this section may be subject to the abatement and penalty provisions of ORS 203.065, 203.810, and ordinances adopted under the Clatsop County Charter. The enforcement provisions of Clatsop County Code Compliance Ordinance, Section 38 of the Clatsop County Code shall also apply, except where modified by this section. The following process shall be followed in the event of a complaint alleging a violation of this section or a permit issued under this section:

- 1) The complaining party shall first attempt to contact the contact person designated on the permit and the notice posted on the Short-Term Rental, describe the problem and indicate the desired remedy.
- 2) The contact person shall promptly respond to the complaint and remedy any situation that is out of compliance with this section or permit.

- 3) If the response is not satisfactory to the complaining party, the complaining party may lodge a complaint with the County by submitting a written complaint including the time, date and nature of the alleged violation. The property owner shall allow the County to inspect any records related to the short-term rental dwelling unit upon request of the County.
- 4) The County may initiate enforcement under Section 38 of the Clatsop County Code.
- 5) In addition to any other remedy allowed under Section 38 of the Clatsop County Code, the hearings body may do any of the following:
- (A) Take no action on the request for the revocation of the short-term rental permit;
  - (B) Attach conditions to the existing short-term rental permit;
  - (C) Require a new home inspection under Section 5.4940(3);
  - (D) Suspend the short-term rental permit;
  - (E) Revoke the short-term rental permit; and/or
  - (F) Prohibit an owner from obtaining a short-term rental permit for a period of up to five (5) years.
- 6) Should a permit be revoked, the owner may not obtain any short-term rental permit sooner than one year after the date of revocation.
- 7) Any property owner found in violation of the provisions of this ordinance shall be required to reimburse the County for its costs of enforcement including reimbursement of staff time, investigation costs, mailings, service fees, mileage and other costs related to the investigation and prosecution of the violation in question.

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## Section 4.0620. Development and Use Permitted

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

- 1) One family dwelling.
- 2) Accessory Dwelling Unit (ADU) per section 1.0500.
- 3) Guest House per section 1.0500.
- 4) Accessory buildings per section 1.0500 are permitted only as follows:
  - (A) In conjunction with, or following the permitting or lawful establishment of the principal use on the same tract. Accessory buildings are limited to uninhabitable spaces such as detached garages, storage buildings, garden sheds, greenhouses, shops, etc.
  - (B) Accessory buildings in this zone shall be subordinate in size to the primary dwelling.
- 5) Signs only as follows, subject to the provisions of Section 3.0130:
  - (A) Temporary signs.
  - (B) Nameplates.
- 6) Handicapped housing facility as defined in Section 1.0500.

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- 7) Home occupation, Limited.
- 8) Low intensity recreation.
- 9) Utilities, maximum utilization of existing easements and rights-of-way shall be made.
- 10) Health hardship pursuant to Section 3.0180, no public notice required.
- 11) Temporary uses including use of a Recreational Vehicle during construction phase, subject to the provisions of Section 2.8200.
- 12) Short term rental subject to the provisions of Section 5.4910 standards in Chapter 5.24, Clatsop County Code.
- 13) Land transportation facilities as specified in Section 4.0300 with the exception of new public or private road development, See Section 4.0630(12).

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# ORDINANCE 22-01

- Amendments related to allowing STRs in certain zones have been removed from Ordinance 22-01
- Ordinance 22-01 **ONLY** addresses the repeal of the Arch Cape operating standards and updates applicable code references
- Zoning would be addressed in a separate ordinance drafted after the May 18 Board work session

## RECOMMENDATION

- **Open the second public hearing and take testimony**
- **Approve Ordinance 22-01 as submitted in the April 27, 2022 agenda package**
- **Conduct the second reading by title only**



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# QUESTIONS?

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